

The evidence establishes that claimant had a back injury not related to his work and as a result missed work for approximately two weeks in August 1996. Claimant alleges he then had accidents at work on three different dates in September 1996. Claimant testified to several versions of what he told his supervisor about an injury at work. The supervisor testified that claimant did not tell him that he had been injured at work until well beyond the 10-day time limit. The Administrative Law Judge observed both witnesses testify and

accepted the testimony of claimant's supervisor. The Appeals Board generally defers to the judgement of the Administrative Law Judge concerning credibility of a witness who appeared before the Administrative Law Judge. The Appeals Board finds that the Order by the Administrative Law Judge in this case, finding that claimant did not give notice within 10 days and failed to establish just cause for extending the time period, should be affirmed. K.S.A. 44-520.

WHEREFORE, the Appeals Board finds that the Order of Administrative Law Judge Bruce E. Moore dated February 7, 1997, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of April 1997.

BOARD MEMBER

c: Brian D. Pistotnik, Wichita, KS
Richard A. Boeckman, Great Bend, KS
Bruce E. Moore, Administrative Law Judge
Philip S. Harness, Director